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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Norbert Kroth

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EXAMINER

TORRES, MARCOS L

ART UNIT

PAPER NUMBER

2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,565	Applicant(s) KROTH ET AL.	
	Examiner MARCOS L. TORRES	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4-26-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 14-19 and 21-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Maggenti US006633765B1.

As to claim 14, Maggenti discloses a method for transmitting payload information in a radio communication system having a radio network controller [102], a base station [104,106] and subscriber stations [108,110,112], with the base station being connected to the subscriber stations via a radio communication interface (see fig. 1, 3; see col. 3, lines 16-25, 38-53), the method comprising: connecting the radio network controller to an access facility of a core network and to the base station (see fig. 1, 3); making the payload information available as a service to the subscribers, the payload information being made available from the access network, via the radio network controller and the base station (see col. 4, lines 15-38); sending a request notification to at least some of the subscriber stations (see col. 4, lines 46- 67), requesting that the subscriber stations reply [register] before the payload information is transmitted to the subscribers stations;

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and transmitting the payload information to subscriber stations from which a reply was received (see col. 4, lines 46 - col. 5, line 45; col. 6, line 45-53).

As to claim 15, Maggenti discloses a method wherein the request notification is not sent to all subscriber stations (see col. 4, lines 50-52).

As to claim 16, Maggenti discloses a method wherein the request notification is sent to subscriber stations selected based on the subscriber stations assignment to radio cells (see col. 9, line 60 – col. 10, line 25).

As to claim 17, Maggenti discloses a method wherein the request notification is sent to a first group of subscriber stations (see col. 4, lines 50-52), an announcement notification [broadcast] is sent to a second group of subscriber stations, and the announcement notification contains information indicating that no reply is necessary before transmission of the payload information (see col. 9, line 60 – col. 10, line 25).

As to claim 18, Maggenti discloses a method wherein the radio network controller makes a decision regarding which subscriber stations are to receive the request notification and which subscribers are to receive the announcement notification (see col. 4, lines 46 - col. 5, line 45; col. 6, line 45-53).

As to claim 19, Maggenti discloses a method wherein a decision is made regarding which subscriber stations are to receive the request notification and which subscribers are to receive the announcement notification, and the decision is based on criterion specific [location] to the radio network of the radio communication system (see col. 9, line 60 – col. 10, line 25).

As to claim 21, Maggenti discloses a method wherein replies from the subscriber stations are not transmitted concurrently (see col. 6, line 7-10).

As to claim 22, Maggenti discloses a method wherein replies from the subscriber stations are transmitted at random (see col. 6, line 7-10).

As to claim 23, Maggenti discloses a method wherein replies from the subscriber stations are transmitted in a controlled manner with regard to time of sending the request notification (see col. 6, line 10-24).

As to claim 24, Maggenti discloses a method wherein the request notification is used to configure the subscriber stations for the payload information (see col. 8, lines 1-38).

As to claim 25, Maggenti discloses a method wherein transmission of the payload information for a group of subscriber stations takes place following receipt of the reply from one subscriber station of the group (see col. 5, lines 1-5).

As to claim 26, Maggenti discloses a radio communication system for transmitting payload information as a service to a plurality of subscriber stations, comprising: a radio network controller [102] connected to an access facility of a core network; a base station [104, 106] connected to the radio network controller (see fig. 1, 3); subscriber stations connected to the base station via a radio communication interface (see fig. 1, 3; see col. 3, lines 16-25, 38-53); a supply unit [114] to make the payload information available as a service to a plurality of subscribers stations (see col. 4, lines 3-15, 46-67); a request unit to send a request notification to at least some of the subscriber stations requesting that the subscriber stations reply before the payload

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information is transmitted to the subscriber stations; and a transmit unit to transmit the payload information to subscriber stations from which a reply was received (see col. 4, lines 46 - col. 5, line 45; col. 6, line 45-53).

As to claim 27, Maggenti discloses a radio communication system wherein the request notification is not sent to all subscriber stations (see col. 4, lines 50-52).

As to claim 28, Maggenti discloses a radio communication system wherein the request notification is sent to a first group of subscriber stations (see col. 4, lines 50-52), an announcement notification [broadcast] is sent to a second group of subscriber stations, and the announcement notification contains information indicating that no reply is necessary before transmission of the payload information (see col. 9, line 60 – col. 10, line 25).

Regarding claim 29 is rejected for the same reasons as shown in claim 14.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti in view of 3GPP TS 22.146 V5.2.0 (2002-03), 3rd Generation Partnership Project; Technical Specification Group Services and System Aspects; Multimedia Broadcast/Multicast Service; Stage 1 (Release 5).

As to claim 20, Maggenti discloses a method everything as explained above except for wherein a decision is made regarding which subscriber stations are to receive the request notification and which subscribers are to receive the announcement notification (see col. 9, line 60 – col. 10, line 25). Maggenti does not specifically disclose the decision takes into consideration at least one factor selected from the group consisting of configuration of the radio network of the radio communication system, existing knowledge on a radio network side about subscribers, utilization of radio resources in the radio network, utilization of radio resources in areas of the radio network, and specific properties of the service. In an analogous art, 3GPP document discloses the decision takes into consideration existing knowledge on a radio network side about subscribers and utilization of radio resources in the radio network (see section 4.2.1). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to take in consideration the radio resources when transmitting to manage the wireless resources and avoid wasting the limited bandwidth.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Marcos L Torres/
Examiner, Art Unit 2617